

Case 1:04-cv-12706-RWZ Document 9 Filed 03/30/2005 Page 1 of 6
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

GREGORY DONNELLY
PETITIONER,

V.

BERNARD BRADY, SUPERINTENDENT
OLD COLONY CORRECTION CENTER,
RESPONDENT,

2005 MAR 30 P 12:55

U.S. DISTRICT COURT
DISTRICT OF MASS

CIVIL ACTION

NO-04-12706-RWZ

MARCH 28, 2005

PETITIONER'S SECOND OPPOSITION TO THE
RESPONDENT'S MOTION FOR FURTHER ENLARGEMENT
OF TIME IN WHICH TO RESPOND TO PETITION AND
PETITIONER'S REQUEST FOR BAIL PENDING
RESOLUTION OF INSTANT HABEAS CORPUS
PROCEEDING.

NOW COMES THE PETITIONER GREGORY
M. DONNELLY, ACTING PRO. SE, HEREBY
SUBMITS ~~PETITIONER'S~~ SECOND OPPOSITION TO

THE RESPONDENTS MOTION FOR FURTHER ENLARGEMENT OF TIME IN WHICH TO RESPOND TO PETITION, AND PETITIONER'S REQUEST FOR BAIL PENDING RESOLUTION OF INSTANT HABEAS CORPUS PROCEEDING.

1) THIS PETITIONER IS BEING PREJUDICE AGAINST BY FURTHER ENLARGEMENTS OF TIME SINCE THIS PETITIONER HAS SERVED HIS SENTENCE IN FULL AND IS NOW BEING ILLEGALLY HELD AGAINST HIS WILL AT THE COUNTY JAIL, BILLERICA.

2) THIS PETITIONER'S STATE AND FEDERAL RIGHTS TO DUE PROCESS OF LAW HAVE BEEN VIOLATED UNDER THE TERMS OF A PLEA AGREEMENT REGARDING A PREVIOUSLY IMPOSED AND NOW EXPIRED TERM OF INCARCERATION (SEE PETITIONER'S RESPONSE TO THE RESPONDENTS MOTION FOR ENLARGEMENT OF TIME WITH EXHIBITS, SENTENCING TRANSCRIPTS & AFFIDAVIT'S FROM TRIAL ATTORNEY AND PETITIONER SUBMITTED TO THIS COURT ON FEBRUARY 4, 2005) DOCKET ENTRY # 5.

-3-

3) THE RESPONDENTS ATTORNEY'S HAVE HAD AMPLE TIME AND OPPORTUNITY TO OBTAIN ALL NECESSARY DOCUMENTS, UNDERLYING PROSECUTION OF THE PETITIONER, APPEAL COURT AND STC FILES TO REPLY TO THE PETITION BEFORE THIS COURT.

4) THIS IS THE RESPONDENT'S THIRD REQUEST FOR FURTHER ENLARGEMENT OF TIME. IT IS NOT THE PETITIONER'S FAULT THAT THE RESPONDENT'S CAN'T PUT TOGETHER A REPLY TO THE PETITION, OR THAT RESPONDENT'S KEEP DELAYING THIS MOST SERIOUS ISSUE BEFORE THE COURT CAUSING PREJUDICE AGAINST TO THIS PETITIONER.

5) THIS PETITIONER IS BEING HELD AGAINST HIS WILL INCARCERATED YEARS BEYOND WHAT PETITIONER WAS SENTENCED TO.

- 4 -

6) THIS PETITIONER RESPECTFULLY REQUEST THIS COURT TO ALLOW PETITIONER'S MOTION FOR STAY OF SENTENCE AND BAIL PENDING RESOLUTION OF THE INSTANT HABEAS CORPUS PROCEEDING, PURSUANT TO 28 U.S.C. sec. 2251 (SEE PETITION'S MOTION FOR BAIL FILED (WITH THIS COURT IN DEC 2004, DOCKET # 1)).

7) ONCE PETITIONER, IF COURT ALLOWS PETITIONER'S BAIL, THE RESPONDENT'S ATTORNEY CAN TAKE ALL THE TIME THEY NEED TO RESPOND TO PETITION.

8) THIS PETITIONER IF BAILED WILL FOLLOW ALL ORDERS THIS HONORABLE COURT HANDS DOWN AS WILL PETITIONER FOLLOW ALL PROBATION STIPULATIONS, AND HAVE WORK TO PAY TAXES BEING RESPONSIBLE LAW ABIDING CITIZEN OF THE COMMONWEALTH.

-5-

9) THIS PETITIONER HAS BEEN WAITING DISPOSITION IN THIS MATTER, THIS CASE SHOULD BE OF THE HIGHEST PRIORITY CONSIDERING THE NATURE AND THE FACT THIS PETITIONER IS ILLEGALLY CONFINED.

WHEREFORE: THIS PETITIONER RESPECTFULLY ASK THIS HONORABLE COURT TO ALLOW PETITION'S STAY OF SENTENCE AND BAIL FILED IN THIS COURT WITH WRIT OF HABEAS CORPUS 28 U.S.C. SEC 2254, OR DENY RESPONDENTS FURTHER ENLARGEMENT OF TIME AND RULE ON PETITIONER'S WRIT OF HABEAS CORPUS SO AS THE RESPONDENT'S WON'T CONTINUE AGGRAVATING THE HARM TO PETITIONER SERVING AN ILLEGAL SENTENCE.

Gregory Donnelly
GREGORY DONNELLY, PRO. SE
269 TREBLE COVE RD
BILLERICA, MA. 01862

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE
SERVED BY FIRST CLASS MAIL A COPY OF
THE ABOVE BY PLACING SAID IN THE INSTITUTIONAL
MAIL BOX, ADDRESSED;

RANDALL RAVITZ,
ASS. ATTORNEY GENERAL
CRIMINAL BUREAU
ONE ASHBURTON PLACE
BOSTON, MA. 02108

DATE 3-28-05

Gregory Donnelly
GREGORY DONNELLY PRO. SE.